

Edward D. Boyack
Nevada Bar No. 005229
BOYACK ORME & TAYLOR
401 N. Buffalo Drive #202
Las Vegas, Nevada 89145
ted@edblaw.net
702.562.3415
702.562.3570 (fax)

Attorney for Defendant/Third-Party Plaintiff
ELKHORN COMMUNITY ASSOCIATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
SUCCESSOR TO JPMORGAN CHASE
BANK, N.A., AS TRUSTEE FOR THE
HOLDERS OF THE MLMI SURG TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2005-AB1,

Plaintiff,

vs.

ELKHORN COMMUNITY ASSOCIATION;
7321 WANDERING STREET TRUST;
DOE INDIVIDUALS I-X, inclusive; and
ROE CORPORATIONS I-X, inclusive,

Defendants.

ELKHORN COMMUNITY ASSOCIATION,

Third-Party Plaintiff,

vs.

ANGIUS & TERRY COLLECTIONS, LLC;
DOES I THROUGH X and ROE
CORPORATIONS XI THROUGH XX,

Third-Party Defendants.

CASE NO. 2:15-cv-01272-APG-PAL

**STIPULATION AND ORDER
REGARDING TRIAL TESTIMONY
OF DEFENDANT ELKHORN
COMMUNITY ASSOCIATION**

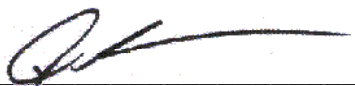
1 Plaintiff, The Bank of New York Mellon fka the Bank of New York, as successor to JP
2 Morgan Chase Bank, N.A., as Trustee for the Holders of the MLMI Surg Trust, Mortgage Loan
3 Asset-backed Certificates, Series 2005-ABI (BNY Mellon), by and through its counsel of record,
4 Christine M. Parvan, Esq. of the law firm of Akerman, LLP; Defendant/Third-Party Plaintiff
5 Elkhorn Community Association, by and through its counsel of record, Christopher B. Anthony,
6 Esq. of the law firm Boyack Orme & Taylor; Third-Party Defendants ATC Assessment
7 Collection Group, LLC, by and through its counsel of record, Michael McKelleb, Esq., of the
8 law firm of Angius & Terry LLP; and Defendant 7321 Wandering Street Trust, by and through
9 its counsel of record, Luis A. Ayon, Esq., of the law firm of Maier Gutierrez Ayon, PLLC,
10 hereby stipulate regarding Trial Testimony of Defendant Elkhorn Community Association, and
11 agree as follows:

- 12 1. That a "non-appearance" was taken by Plaintiff on January 12, 2016 when a
13 representative of Defendant, Elkhorn Community Association did not appear for
14 deposition.
- 15 2. That the parties hereto agree that they will take no action to preclude the
16 testimony of a NRCP 30(b)(6) deponent from appearing on behalf of Defendant
17 Elkhorn Community Association at trial.

18 **ORDER**

19 IT IS ORDERED that Defendant/Third-Party Plaintiff ELKHORN
20 COMMUNITY ASSOCIATION shall not be precluded from presenting trial testimony
21 of its own representative as a result of its non-appearance at the January 12, 2016
22 deposition set for same.

23 Dated: February 2, 2016.

24 
25 UNITED STATES DISTRICT JUDGE
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27
28

1 DATED this 2nd day of February, 2016.

DATED this 2nd day of February, 2016.

2 MAIER GUTIERREZ AYON

BOYACK ORME & TAYLOR

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4 By: /s/Luis A. Ayon
LUIS A. AYON, ESQ.
5 Nevada Bar No. 9752
400 South Seventh Street, #400
6 Las Vegas, NV 89101
Telephone: (702) 629-7900
7 Facsimile: (702) 629-7925
Email: laa@mgalaw.com

By: /s/Christopher B. Anthony
CHRISTOPHER B. ANTHONY, ESQ.
Nevada Bar No. 009748
401 N. Buffalo Drive #202
Las Vegas, Nevada 89145
Telephone: (702) 562-3415
Facsimile: (702) 562-3570
Email: canthony@boyacklaw.com

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9 *Attorney for Defendant 7321 Wandering
Street Trust*

*Attorney for Defendant/Third-Party
Plaintiff Elkhorn Community Association*

10 AKERMAN LLP

ANGIUS & TERRY LLP

11 By: /s/ Christine Parvan
12 CHRISTINE PARVAN, ESQ.
13 Nevada Bar No. 10711
1160 Town Center Drive, Suite 330
14 Las Vegas, NV 89144
Telephone: (702) 634-5000
15 Facsimile: (702) 380-8572
Email: christine.parvan@akerman.com

By: /s/ Michael McKelleb
MICHAEL MCKELLEB
Nevada Bar No. 012040
1120 N. Town Center Drive, Suite 260
Las Vegas, NV 89144
Telephone: (702) 990-2017
Facsimile: (702) 990-2018
Email: mmckelleb@angius-terry.com

16 *Attorney for Plaintiff*

*Attorney for Third-Party Defendant
ATC Assessment Collection Group, LLC*

18 **ORDER**

19
20 **IT IS ORDERED** that Defendant/Third-Party Plaintiff ELKHORN COMMUNITY
21 ASSOCIATION shall not be precluded from presenting trial testimony of its own representative
22 as a result of its non-appearance at the January 12, 2016 deposition set for same.

23
24 **DATED:** February____, 2016

25 UNITED STATES DISTRICT JUDGE
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